

Message

From: Beslow, Mike [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B5DD587C0E294AC3898958FEF9062D03-MBESLOW]
Sent: 1/24/2017 9:50:18 PM
To: LT Cook Lindsay N [Lindsay.N.Cook@uscg.mil]; Arnold, Paul S LT [Paul.S.Arnold2@uscg.mil]
CC: sean.f.fitzgerald@uscg.mil
Subject: Settlement paperwork
Attachments: 20170124131655217.pdf; 20170124131835304.pdf

From: Pallesen, Reginald
Sent: Tuesday, January 24, 2017 1:55 PM
To: Beslow, Mike <beslow.mike@epa.gov>
Cc: Klassman, Debra <klassman.debra@epa.gov>; Bending, Padmavati <bending.padmavati@epa.gov>; Dixit, Naeha <dixit.naeha@epa.gov>
Subject: RE: question

Mike,

Attached is a copy of the 1992 Consent Decree in *U.S. V LTV Steel*, Civil Action No. H92-0185 (N.D. Ind. 1992), along with a Notice of Lodging of the CD and a Complaint that was filed simultaneously with the CD. The judge signed the CD and it was entered, but

I do not have a copy of the CD filed in court. The CD filed in court was identical to this copy except that it had all required signatures.

You will note that in these documents the United States alleged that the "No. 2 Intake Flume" was a navigable water of the U.S., and that discharge pipes and a hydraulic connection between an oil separation pond at the head of the intake flume and the flume itself were "point sources" within the meaning of Section 402 of the Clean Water Act. I am sure that EPA's position now would be that the company is not allowed to discharge oil to the intake flume, and that any such discharge is a violation of the company's NPDES permit and the CWA.

As I mentioned on the phone, the CD was modified in 1996 to extend the time for completion of the sediment removal project in the intake flume. The CD subsequently terminated after the company paid the civil penalty and completed the sediment project.

Reg

*Reginald A. Pallesen
Associate Regional Counsel
Office of Regional Counsel (C-14J)
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77 West Jackson Boulevard
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312-886-0555*

From: Klassman, Debra
Sent: Monday, January 23, 2017 4:43 PM
To: Bending, Padmavati <bending.padmavati@epa.gov>; Beslow, Mike <beslow.mike@epa.gov>; Pallesen, Reginald <pallesen.reginald@epa.gov>; Dixit, Naeha <dixit.naeha@epa.gov>
Subject: RE: question

Okay. Reg reminded me that I assigned him one of my LTV CWA matters in 1990. He has the file and is figuring out if that's the matter Arcelor Mittal is referring to at this time. If someone had said LTV, I would have remembered. Thanks Reg!

From: Bending, Padmavati
Sent: Monday, January 23, 2017 12:23 PM
To: Beslow, Mike <beslow.mike@epa.gov>
Cc: Klassman, Debra <klassman.debra@epa.gov>
Subject: Re: question

That number is not long enough to be a docket number for a Federal Consent Decree. Federal docket numbers look like this: 2:99-cv-01182-EAS-TPK

It might have enough digits to be a UAO or ACO issued by SF back in 1992.

Please ask for a copy of the document - then we might be able to figure something out.

Deb - I didn't work on this and don't remember hearing about it back then ... but I might have a compact disc with old oil documents on it so I'll take a look and see if it surfaces. In the meantime, I'll try to help Mike make progress on this. - pgb

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Chicago, IL 60604

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From: Beslow, Mike
Sent: Monday, January 23, 2017 11:50 AM
To: Bending, Padmavati
Cc: Klassman, Debra
Subject: FW: question

Padma-
Thanks for your help. The docket number is immediately below.

From: Barnett, Thomas R [<mailto:Thomas.Barnett@arcelormittal.com>]
Sent: Monday, January 23, 2017 11:46 AM
To: Beslow, Mike <beslow.mike@epa.gov>
Subject: RE: question

H92-185

Thomas Barnett | Manager, Environmental Technology
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From: Beslow, Mike [<mailto:beslow.mike@epa.gov>]
Sent: Monday, January 23, 2017 11:38 AM
To: Barnett, Thomas R <Thomas.Barnett@arcelormittal.com>
Cc: Benoit, Simonne T <Simonne.Benoit@arcelormittal.com>
Subject: RE: question

Do you have a Docket Number for the Consent decree? Or who the DOJ contact is?

From: Barnett, Thomas R [<mailto:Thomas.Barnett@arcelormittal.com>]
Sent: Monday, January 23, 2017 11:05 AM
To: Beslow, Mike <beslow.mike@epa.gov>
Subject: RE: question

I am looking at old files right now Mike. It appears we had, a May 26th, 1992 Consent Decree with Region V that dealt with oil leaks to the No. 2 intake channel from a previous oil lagoon situated next to the intake. The USEPA contact was a Ms. Debra Klassman.

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From: Beslow, Mike [<mailto:beslow.mike@epa.gov>]
Sent: Monday, January 23, 2017 10:59 AM
To: Barnett, Thomas R <Thomas.Barnett@arcelormittal.com>
Cc: Benoit, Simonne T <Simonne.Benoit@arcelormittal.com>
Subject: RE: question

Any word on the intake documents?

From: Barnett, Thomas R [<mailto:Thomas.Barnett@arcelormittal.com>]
Sent: Friday, January 20, 2017 3:56 PM
To: Beslow, Mike <beslow.mike@epa.gov>
Cc: Benoit, Simonne T <Simonne.Benoit@arcelormittal.com>
Subject: RE: question

Mike, we found the old files, have them on my desk now, will go thru them Monday morning and get you the information.

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From: Beslow, Mike [<mailto:beslow.mike@epa.gov>]
Sent: Friday, January 20, 2017 3:53 PM
To: Barnett, Thomas R <Thomas.Barnett@arcelormittal.com>
Cc: Benoit, Simonne T <Simonne.Benoit@arcelormittal.com>
Subject: question

Tom-

Could you please let me know what agency required ArcelorMittal to install the plates at outfall 009 and 010. And who at the agency you worked with?

Also could you please send me the information you have regarding the environmental release you told me that arcelor mittal had in regards to their intake?

Thank you

Mike Beslow

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